

AMENDED IN SENATE JULY 7, 1998
AMENDED IN SENATE JUNE 8, 1998
AMENDED IN ASSEMBLY APRIL 9, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1396

Introduced by Assembly Member Alquist

February 28, 1997

An act to add Section 7110 to the Public Contract Code, ~~and to amend Section 11478.5 of the Welfare and Institutions Code,~~ relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

AB 1396, as amended, Alquist. Child support: state agencies: contracts.

Existing law prescribes requirements for contracts between private parties and public entities, as defined. Existing law also provides that, when a support order is entered, the court shall enter an earnings assignment order that orders the employer of the support obligor to pay to the obligee a portion of the obligor's earnings.

This bill would require all written contracts with state agencies to contain (1) an acknowledgment by the contractor of the policy of the state regarding the importance of child and family support obligations, *and* (2) an acknowledgement by the contractor that it is complying with all earnings assignment orders and is providing the names of all new employees to the New Hire Registry maintained by the

~~Employment Development Department, and (3) an agreement by the contractor to make its payroll records available for quarterly review by designated agencies to monitor and enforce support obligations. This bill would also limit the liability of any contractor for disclosure of employee information pursuant to those requirements.~~

~~Existing law requires all agencies of the state, or any of its political subdivisions, to provide assistance and data to enable the State Department of Social Services, the Department of Justice, and other agencies to locate parents, spouses, and others and to, among other things, enforce liability for child or spousal support.~~

~~This bill would specify that all agencies of the state, or any of its political subdivisions, are required to provide that data with respect to their employees, licensees, contractors, and vendors, and that the data shall be used also by the Franchise Tax Board for child support enforcement.~~

~~The bill contains related legislative findings and declarations and states that the act shall be known as the Child Support Compliance Act of 1998.~~

~~Because this bill would impose new requirements with respect to contracts by local agencies, it would create a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes *no*.~~

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known as the Child
2 Support Compliance Act of 1998.

3 SEC. 2. The Legislature finds and declares:

4 (a) In this state, more than 3,000,000 children do not
5 receive the child support payments to which they are
6 entitled.

7 (b) Only 14 percent of eligible children receive child
8 support payments, which is six percentage points below
9 the national average.

10 (c) The average California family's collection of child
11 support is only three hundred sixty-two dollars (\$362) per
12 month, which is approximately 35 percent below the
13 national average of five hundred sixty-five dollars (\$565)
14 per month.

15 (d) California spends one dollar (\$1) in administrative
16 costs for every two dollars and seventeen cents (\$2.17)
17 collected in child support payments.

18 (e) Nonpayment of child support is the leading cause
19 of both childhood poverty and welfare dependency in the
20 United States. The many thousands of dollars of unpaid
21 child support are an enormous social problem that
22 threatens the welfare of children and increases the
23 burden on state taxpayers to provide social services for
24 these children.

25 (f) It is the policy of this state that anyone who benefits
26 financially from or through the state shall be in
27 compliance with his or her court-ordered child support
28 obligations.

29 SEC. 3. Section 7110 is added to the Public Contract
30 Code, to read:

31 7110. (a) It is the policy of this state that anyone who
32 enters into a contract with a state agency shall recognize
33 the importance of child and family support obligations
34 and shall fully comply with all applicable state and federal
35 laws relating to child and family support enforcement,
36 including, but not limited to, disclosure of information
37 and compliance with earnings assignment orders, as

1 provided in Chapter 8 (commencing with Section 5200)
2 of Part 5 of Division 9 of the Family Code.

3 (b) Every written contract executed between a
4 contractor and a state agency shall contain the following:

5 (1) An acknowledgment by the contractor of the
6 policy of the state set forth in subdivision (a).

7 (2) An acknowledgment by the contractor that it is
8 fully complying with the earnings assignment orders of all
9 employees and is providing the names of all new
10 employees to the New Hire Registry maintained by the
11 Employment Development Department.

12 ~~(c) Every written contract executed between a~~
13 ~~contractor and a state agency, as provided in Part 2~~
14 ~~(commencing with Section 10100), shall contain an~~
15 ~~agreement by the contractor to make its payroll records~~
16 ~~available for review once per state fiscal quarter, upon~~
17 ~~written request, by the State Department of Social~~
18 ~~Services, the Department of Justice, or the Franchise Tax~~
19 ~~Board for the purpose of monitoring compliance with and~~
20 ~~enforcing liability for child or family support.~~

21 ~~(d) The information disclosed to the state agency~~
22 ~~pursuant to this section may be disclosed by the state~~
23 ~~agency only as provided in Section 11478.5 of the Welfare~~
24 ~~and Institutions Code.~~

25 ~~(e) No contractor, or any officer, director,~~
26 ~~shareholder, partner, member, manager, owner, or~~
27 ~~employee thereof, shall be subject to criminal or civil~~
28 ~~liability for the release of employee information in the~~
29 ~~manner prescribed by this section.~~

30 ~~SEC. 4. Section 11478.5 of the Welfare and Institutions~~
31 ~~Code is amended to read:~~

32 ~~11478.5. (a) There is in the Department of Justice the~~
33 ~~California Parent Locator Service and Central Registry~~
34 ~~that shall collect and disseminate all of the following, with~~
35 ~~respect to any parent, putative parent, spouse, or former~~
36 ~~spouse:~~

37 ~~(1) The full and true name of the parent together with~~
38 ~~any known aliases.~~

39 ~~(2) Date and place of birth.~~

40 ~~(3) Physical description.~~

1 ~~(4) Social security number.~~

2 ~~(5) Employment history and earnings.~~

3 ~~(6) Military status and Veterans Administration or~~
4 ~~military service serial number.~~

5 ~~(7) Last known address, telephone number, and date~~
6 ~~thereof.~~

7 ~~(8) Driver's license number, driving record, and~~
8 ~~vehicle registration information.~~

9 ~~(9) Criminal, licensing, and applicant records and~~
10 ~~information.~~

11 ~~(10) (A) Any additional location, asset, and income~~
12 ~~information, including income tax return information~~
13 ~~obtained pursuant to Section 19285.1 of the Revenue and~~
14 ~~Taxation Code, and the address, telephone number, and~~
15 ~~social security information obtained from a public utility~~
16 ~~or cable television corporation that may be of assistance~~
17 ~~in locating the parent, putative parent, abducting,~~
18 ~~concealing, or detaining parent, spouse, or former spouse,~~
19 ~~in establishing a parent and child relationship, in~~
20 ~~enforcing the child support liability of the absent parent,~~
21 ~~or enforcing the spousal support liability of the spouse or~~
22 ~~former spouse to the extent required by the state plan~~
23 ~~pursuant to Section 11475.2.~~

24 ~~(B) For purposes of this subdivision "income tax~~
25 ~~return information" means all of the following regarding~~
26 ~~the taxpayer:~~

27 ~~(i) Assets.~~

28 ~~(ii) Credits.~~

29 ~~(iii) Deductions.~~

30 ~~(iv) Exemptions.~~

31 ~~(v) Identity.~~

32 ~~(vi) Liabilities.~~

33 ~~(vii) Nature, source, and amount of income.~~

34 ~~(viii) Net worth.~~

35 ~~(ix) Payments.~~

36 ~~(x) Receipts.~~

37 ~~(xi) Address.~~

38 ~~(xii) Social security number.~~

39 ~~(b) To effectuate the purposes of this section, the~~
40 ~~Statewide Automated Child Support System, or its~~

1 ~~replacement, the California Parent Locator Service and~~
2 ~~Central Registry, and the Franchise Tax Board shall~~
3 ~~utilize the federal Parent Locator Service to the extent~~
4 ~~necessary, and may request and shall receive from all~~
5 ~~departments, boards, bureaus, or other agencies of the~~
6 ~~state, or any of its political subdivisions, and those entities~~
7 ~~shall provide, that assistance and data, including data with~~
8 ~~respect to their employees, licensees, contractors, and~~
9 ~~vendors, that will enable the State Department of Social~~
10 ~~Services, the Department of Justice, the Franchise Tax~~
11 ~~Board, and other public agencies to carry out their~~
12 ~~powers and duties to locate parents, spouses, and former~~
13 ~~spouses, and to identify their assets, to establish~~
14 ~~parent-child relationships, and to enforce liability for~~
15 ~~child or spousal support, and for any other obligations~~
16 ~~incurred on behalf of children, and shall also provide that~~
17 ~~information to any district attorney in fulfilling the duties~~
18 ~~prescribed in Section 270 of the Penal Code, and in~~
19 ~~Chapter 8 (commencing with Section 3130) of Part 2 of~~
20 ~~Division 8 of the Family Code, relating to abducted,~~
21 ~~concealed, or detained children. The State Department~~
22 ~~of Social Services' Statewide Automated Child Support~~
23 ~~System, or its replacement, shall be entitled to the same~~
24 ~~cooperation and information as the California Parent~~
25 ~~Locator Service, to the extent allowed by law. The~~
26 ~~Statewide Automated Child Support System, or its~~
27 ~~replacement, shall be allowed access to criminal record~~
28 ~~information only to the extent that access is allowed by~~
29 ~~state and federal law.~~

30 (e) (1) ~~To effectuate the purposes of this section, and~~
31 ~~notwithstanding any other provision of California law,~~
32 ~~regulation, or tariff, and to the extent permitted by~~
33 ~~federal law, the California Parent Locator Service and~~
34 ~~Central Registry and the Statewide Automated Child~~
35 ~~Support System, or its replacement, may request and~~
36 ~~shall receive from public utilities, as defined in Section~~
37 ~~216 of the Public Utilities Code, and cable television~~
38 ~~corporations, as defined in Section 215.5, customer~~
39 ~~service information, including the full name, address,~~
40 ~~telephone number, date of birth, employer name and~~

1 ~~address, and social security number of customers of the~~
2 ~~public utility or the cable television corporation, to the~~
3 ~~extent that this information is stored within the computer~~
4 ~~data base of the public utility or the cable television~~
5 ~~corporation.~~

6 ~~(2) In order to protect the privacy of utility and cable~~
7 ~~television customers, a request to a public utility or cable~~
8 ~~television corporation for customer service information~~
9 ~~pursuant to this section shall meet the following~~
10 ~~requirements:~~

11 ~~(A) Be submitted to the public utility or cable~~
12 ~~television corporation in writing, on a transmittal~~
13 ~~document prepared by the California Parent Locator~~
14 ~~Service and Central Registry or the Statewide Automated~~
15 ~~Child Support System, or its replacement, and approved~~
16 ~~by all of the public utilities and cable television~~
17 ~~corporations. The transmittal shall be deemed to be an~~
18 ~~administrative subpoena for customer service~~
19 ~~information.~~

20 ~~(B) Have the signature of a representative authorized~~
21 ~~by the California Parent Locator Service and Central~~
22 ~~Registry or the Statewide Automated Child Support~~
23 ~~System, or its replacement.~~

24 ~~(C) Contain at least three of the following data~~
25 ~~elements regarding the person sought:~~

26 ~~(i) First and last name, and middle initial, if known.~~

27 ~~(ii) Social security number.~~

28 ~~(iii) Driver's license number.~~

29 ~~(iv) Birth date.~~

30 ~~(v) Last known address.~~

31 ~~(vi) Spouse's name.~~

32 ~~(D) The California Parent Locator Service and~~
33 ~~Central Registry and the Statewide Automated Child~~
34 ~~Support System, or its replacement, shall ensure that each~~
35 ~~public utility and cable television corporation has at all~~
36 ~~times a current list of the names of persons authorized to~~
37 ~~request customer service information.~~

38 ~~(E) The California Statewide Automated Child~~
39 ~~Support System, or its replacement, and the California~~
40 ~~Parent Locator Service and Central Registry shall ensure~~

1 ~~that customer service information supplied by a public~~
2 ~~utility or cable television corporation is applicable to the~~
3 ~~person who is being sought before releasing the~~
4 ~~information pursuant to subdivision (d).~~

5 ~~(3) The public utility or cable television corporation~~
6 ~~may charge a fee to the California Parent Locator Service~~
7 ~~and Central Registry or the Statewide Automated Child~~
8 ~~Support System, or its replacement, for each search~~
9 ~~performed pursuant to this subdivision to cover the actual~~
10 ~~costs to the public utility or cable television corporation~~
11 ~~for providing this information.~~

12 ~~(4) No public utility or cable television corporation, or~~
13 ~~official or employee thereof, shall be subject to criminal~~
14 ~~or civil liability for the release of customer service~~
15 ~~information as authorized by this subdivision.~~

16 ~~(d) Notwithstanding Section 14202 of the Penal Code,~~
17 ~~any records established pursuant to this section shall be~~
18 ~~disseminated only to the Department of Justice, the~~
19 ~~Statewide Automated Child Support System or its~~
20 ~~replacement, the California Parent Locator Service and~~
21 ~~Central Registry, the parent locator services and central~~
22 ~~registries of other states as defined by federal statutes and~~
23 ~~regulations, a district attorney of any county in this state,~~
24 ~~the federal Parent Locator Service, and official child~~
25 ~~support enforcement agencies. The State Department of~~
26 ~~Social Services' Statewide Automated Child Support~~
27 ~~Enforcement System, or its replacement, shall be allowed~~
28 ~~access to criminal offender record information only to the~~
29 ~~extent that access is allowed by law.~~

30 ~~(e) (1) At no time shall any information received by~~
31 ~~the California Parent Locator Service and Central~~
32 ~~Registry or by the Statewide Automated Child Support~~
33 ~~System, or its replacement, be disclosed to any person,~~
34 ~~agency, or other entity, other than those persons,~~
35 ~~agencies, and entities specified pursuant to Section 11478,~~
36 ~~this section, or any other provision of law.~~

37 ~~(2) This subdivision shall not otherwise affect~~
38 ~~discovery between parties in any action to establish,~~
39 ~~modify, or enforce child, family, or spousal support, that~~
40 ~~relates to custody or visitation.~~

1 ~~(f) (1) The Department of Justice, in consultation~~
2 ~~with the State Department of Social Services, shall~~
3 ~~promulgate rules and regulations to facilitate maximum~~
4 ~~and efficient use of the California Parent Locator Service~~
5 ~~and Central Registry.~~

6 ~~(2) The State Department of Social Services, the~~
7 ~~Public Utilities Commission, and the cable television~~
8 ~~corporations shall develop procedures for obtaining the~~
9 ~~information described in subdivision (c) from public~~
10 ~~utilities, and for compensating the public utilities and~~
11 ~~cable television corporations for providing that~~
12 ~~information.~~

13 ~~(g) The California Parent Locator Service and Central~~
14 ~~Registry may charge a fee not to exceed eighteen dollars~~
15 ~~(\$18) for any service it provides pursuant to this section~~
16 ~~that is not performed or funded pursuant to Part D~~
17 ~~(commencing with Section 651) of Subchapter IV of~~
18 ~~Chapter 7 of Title 42 of the United States Code.~~

19 ~~(h) This section shall be construed in a manner~~
20 ~~consistent with the other provisions of this article.~~

21 ~~SEC. 5. Notwithstanding Section 17610 of the~~
22 ~~Government Code, if the Commission on State Mandates~~
23 ~~determines that this act contains costs mandated by the~~
24 ~~state, reimbursement to local agencies and school~~
25 ~~districts for those costs shall be made pursuant to Part 7~~
26 ~~(commencing with Section 17500) of Division 4 of Title~~
27 ~~2 of the Government Code. If the statewide cost of the~~
28 ~~claim for reimbursement does not exceed one million~~
29 ~~dollars (\$1,000,000), reimbursement shall be made from~~
30 ~~the State Mandates Claims Fund.~~

31 ~~Notwithstanding Section 17580 of the Government~~
32 ~~Code, unless otherwise specified, the provisions of this act~~
33 ~~shall become operative on the same date that the act~~
34 ~~takes effect pursuant to the California Constitution.~~